

**REMARKS/ARGUMENTS**

Initially, the Examiner is advised that a copy of U.S. Patent No. 6,225,980 to Weiss et al. was included in the Office action, but not noted on the form PTO-892 included therewith. The Weiss patent was erroneously stapled to the back of a cited reference, U.S. Patent Application Publication No. 2002/0067343A1. Applicants hereby request clarification from the Examiner concerning this matter. If the Weiss patent was intended to be made of record in the instant application, the Examiner is requested to provide an additional form PTO-892 listing the reference.

Applicants appreciate the allowance of claims 1-3 and the allowability of claims 5-8, 10, 11, 13 and 16. For the following reasons, Applicants respectfully request reconsideration of the rejected claims.

Claims 4, 9 and 12 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,959,863 to Hoyt et al. (hereinafter "Hoyt"). For the following reasons, the rejection is respectfully traversed.

With reference to claims 4, 9 and 12, Hoyt does not teach a 5-direction key operating device having five *diaphragms* proximately arranged in the shape of a cross, as required. Further, with reference to claim 4, Hoyt does not teach a 5-direction key operating device having *pusher portions* opposed to the diaphragms, as required. Rather, Hoyt describes an input apparatus that uses a plurality of inductors to sense the position of a ferromagnetic swash plate. The only disclosure of a diaphragm in Hoyt is the *single* flexible diaphragm (200) in Fig. 7 used to suspend the swash plate (169) above the inductors.

Further, it is submitted that, at the time of the present invention, one of ordinary skill in the relevant art would not have found any suggestion or motivation in the prior art to modify Hoyt to replace the ferromagnetic swash plate and inductors with the five diaphragms of claims 4, 9 and 12 and/or the opposing pushers of claim 4. Moreover, there is no suggestion or motivation in the prior art that would have made it obvious at the time the invention was made to modify Hoyt to include five diaphragms in place of the single flexible diaphragm (200). Furthermore, the Examiner has not shown how it would be desirable or even feasible to use five diaphragms to suspend the swash plate (169) in place of the

Appl. No. 09/857,155  
Amdt. Dated May 24, 2004  
Reply to Office action of January 5, 2004

single flexible diaphragm (200). Thus, every limitation is not taught or suggested by Hoyt or any other prior art of record, as required.

For all of the above-reasons, claims 4, 9 and 12 are patentable over the prior art of record.

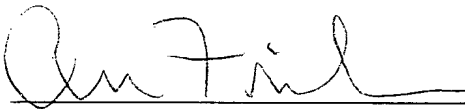
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 16-0820, our Order No.33632.

Respectfully submitted,

PEARNE & GORDON LLP

By:

  
Aaron A. Fishman, Reg. No. 44682

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: May 24, 2004



Express Mail: N/A No. 23224  
Inventor: Susumu Otsuki et al.  
Title: 5-Directional Key Operation Device  
Serial No. 09/857,155 Patent No. N770 Pat. J. AU. 2023  
Filed: 5/31/01 Examiner: N770 Pat. J. AU. 2023

Enclosed Are:  
☐ PATENT APPLICATION  
\_\_\_\_ New Application Transmittal  
\_\_\_\_ Fee Transmittal (in duplicate)  
\_\_\_\_ Application Data Sheet  
\_\_\_\_ Declaration & Power Of Attorney \_\_\_\_\_ pgs.  
\_\_\_\_ Pgs. of Claims  
\_\_\_\_ Sheet(s) of Drawing(s)  
\_\_\_\_ Formal \_\_\_\_\_ Informal  
\_\_\_\_ Continuation or Division

CHECK(S) IN THE AMOUNT(S) OF  
\$ 420.00 \$ \_\_\_\_\_

Client Code 0910 Doc. No. 33632  
Int. AAFW Date 5/24/04

ACKNOWLEDGES RECEIPT OF:  
DT07 Rec'd PCT/PTO 2-6 MAY 2004

☐ ASSIGNMENT \_\_\_\_\_ pgs.  
\_\_\_\_ Transmittal(s)  
\_\_\_\_ Original \_\_\_\_\_ Copies  
☐ INFORMATION DISCLOSURE  
PTO-1449 Refs. Response "C" (3pgs)  
☒ AMENDMENT Response "C" (3pgs)  
in Response to Paper No. 6